

WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007
Harvey R. Miller

Attorneys for Debtors
and Debtors in Possession

HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, New York 10004
Telephone: (212) 837-6000
Facsimile: (212) 422-4726
James B. Kobak, Jr.
Christopher K. Kiplok

Attorneys for James W. Giddens,
Trustee for the SIPA Liquidation of Lehman Brothers Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
	:	
In re	:	Chapter 11 Case No.
	:	
LEHMAN BROTHERS HOLDINGS INC., et al.,	:	08-13555 (JMP)
	:	
Debtors.	:	(Jointly Administered)
	:	
-----X	:	

	:	
In re	:	
	:	Case No.
LEHMAN BROTHERS INC.,	:	
	:	08-01420 (JMP) (SIPA)
Debtor.	:	
	:	
-----X	:	

**NOTICE OF AGENDA OF MATTERS
SCHEDULED FOR HEARING ON DECEMBER 10, 2009 AT 2:00 P.M.**

Location of Hearing: United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton U.S. Custom House, before the Honorable, James M. Peck, United States Bankruptcy Judge, **Room 601**, One Bowling Green, New York, NY 10004-1408

SECURITIES INVESTOR PROTECTION CORPORATION PROCEEDING:

I. CONTESTED MATTERS:

1. Trustee's Motion Pursuant to SIPA § 78fff-2(f), Bankruptcy Code §§ 105(a) and 363(b), and Fed. R. Bankr. P. 9019(a) for Entry of an Order Approving the Trustee's Implementation of the LBI Liquidation Order to Complete the Account Transfers for the Benefit of Customers, Including the Related Limited Settlement Agreement for the Benefit of Private Investment Management Customers, and Terminating the Account Transfer Process [**Docket No. 2097**]

Response Deadline: December 7, 2009

Responses Received:

- A. Statement of SIPC in Support of Trustee's Motion for Approval of the Trustee's Completion of Account Transfers for the Benefit of Customers [**Docket No. 2238**]
- B. Objection of Westernbank Puerto Rico [**Docket No. 2256**]
- C. Objection to Motion and Joinder of Hipotecas de America, SA in the Objection of Westernbank Puerto Rico [**Docket No. 2257**]
- D. Joinder of Hudson City Savings Bank in the Objection of Westernbank Puerto Rico [**Docket No. 2259**]
- E. Joinder of Newport Global Opportunities Fund LP, et al. in the Objection of Westernbank Puerto Rico [**Docket No. 2266**]
- F. Statement of the Federal Reserve Bank of New York in Support of Trustee's Completion of Account Transfers for the Benefit of Customers [**Docket No. 2271**]
- G. Statement of the U.S. Securities and Exchange Commission in Support of Trustee's Motion for Approval of the Trustee's Completion of Account Transfers for the Benefit of Customers [**Docket No. 2305**]

Related Documents:

- H. Joint Motion of Barclays Capital Inc. and James W. Giddens, as Trustee in the Securities Investor Protection Act Liquidation of

Lehman Brothers Inc. for Entry of an Order Authorizing the Movants to File Under Seal Schedule C and Schedule F to the Settlement Agreement [**Docket No. 2094**]

- I. Ex Parte Order Signed on 11/23/2009 Authorizing Barclays Capital Inc. and James W. Giddens, as Trustee in the Securities Investor Protection Act Liquidation of Lehman Brothers Inc. to File Under Seal Schedule C and Schedule F to the Settlement Agreement [**Docket No. 2096**]
- J. FILED UNDER SEAL Schedule C and Schedule F to the Settlement Agreement [**Docket No. 2124**]
- K. Joinder of Barclays Capital Inc. to Certain Portions of Trustee's Motion Under SIPA § 78fff-2(f), 11 U.S.C. §§ 105(a) and 363, and Fed. R. Bankr. P. 9019(a) for Approval of the Trustee's Implementation of the LBI Liquidation Order to Complete the Account Transfers for the Benefit of Customers, Including the Related Limited Settlement Agreement Completing the PIM Conversion for the Benefit of Private Investment Management Customers, and Terminating the Account Transfer Process [**Docket No. 2137**]
- L. Notice of Filing of Updated Limited Settlement Agreement, Schedules, and Proposed Order Pursuant to Account Transfer Motion [**Docket No. 2251**]
- M. Trustee's Reply in Further Support of Motion [**Docket No. 2301**]
- N. Reply of Barclays Capital Inc. to Objections to Trustee's Motion [**Docket No. 2299**]
- O. Notice of Filing of Further Modifications to Limited Settlement Agreement and Related Proposed Order [**Docket No. 2307**]

Status: This matter is going forward.

II. ADVERSARY PROCEEDINGS

- 2. Bank of America v. Lehman Brothers Special Finance, Inc.
[**Adversary Case No. 08-01753**]

Motions for Summary Judgment

Related Documents:

- A. Notice of Defendants Lehman Brothers Holdings Inc. and Lehman Brothers Special Financing and Counterclaim-Plaintiff Lehman

Brothers Holdings Inc.'s Motion for Summary Judgment [**Docket No. 29**]

- B. Defendants Lehman Brothers Holdings Inc. and Lehman Brothers Special Financing and Counterclaim-Plaintiff Lehman Brothers Holdings Inc.'s Statement of Undisputed Material Facts [**Docket No. 31**]
- C. Motion for Summary Judgment of Bank of America, N.A. [**Docket No. 35**]
- D. Memorandum of Law in Support of Bank of America's Motion for Summary Judgment [**Docket No. 48**]
- E. Declaration of Kevin M. Behan in Support of Bank of America's Motion for Summary Judgment [**Docket No. 49**]
- F. Statement of Undisputed Fact in Support of Bank of America's Motion for Summary Judgment [**Docket No. 50**]
- G. Statement of Undisputed Material Facts in Support of Defendants Lehman Brothers Holdings Inc. and Lehman Brothers Special Financing and Counterclaim-Plaintiff Lehman Brothers Holdings Inc.'s Motion for Summary Judgment [**Docket No. 52**]
- H. Defendants Lehman Brothers Holdings Inc. and Lehman Brothers Special Financing and Counterclaim-Plaintiff Lehman Brothers Holdings Inc.'s Memorandum of Law in Support of their Motion for Summary Judgment [**Docket No. 53**]
- I. Declaration of Bin Wang in Support of Defendants Lehman Brothers Holdings Inc. and Lehman Brothers Special Financing and Counterclaim-Plaintiff Lehman Brothers Holdings Inc.'s Motion for Summary Judgment [**Docket No. 54**]
- J. Exhibits to Declaration of Bin Wang in Support of Defendants Lehman Brothers Holdings Inc. and Lehman Brothers Special Financing and Counterclaim-Plaintiff Lehman Brothers Holdings Inc.'s Motion for Summary Judgment [**Docket No. 55**]
- K. Memorandum of the Official Committee of Unsecured Creditors in Support of the Motion for Summary Judgment of Lehman Brothers Holdings, Inc. and Lehman Brothers Special Financing, Inc. [**Docket No. 56**]

- L. Memorandum of the Official Committee of Unsecured Creditors In Opposition to the Motion for Summary Judgment of Bank of America, N.A. [**Docket No. 57**]
- M. Bank of America, N.A.'s Memorandum of Law in Opposition to Lehman Brothers' Motion for Summary Judgment and in Further Support of Bank of America's Motion for Summary Judgment [**Docket No. 58**]
- N. Declaration of Melissa J. Godwin in Support of Bank of America's Opposition to Lehman Brothers' Motion for Summary Judgment [**Docket No. 59**]
- O. Bank of America N.A.'s Response to Lehman Brothers' Statement of Undisputed Facts and Counter Statement of Facts in Opposition to Lehman Brothers' Motion for Summary Judgment [**Docket No. 60**]
- P. Lehman Brothers Holdings Inc. and Lehman Brothers Special Financing Inc.'s Response to Bank of America's Statement of Undisputed Material Facts [**Docket No. 61**]
- Q. Declaration of Kevin F. Meade in Support of Defendants Lehman Brothers Holdings Inc. and Lehman Brothers Special Financing and Counterclaim-Plaintiff Lehman Brothers Holdings Inc.'s Opposition to Bank of America's Motion for Summary Judgment [**Docket No. 62**]
- R. Defendants Lehman Brothers Holdings Inc. and Lehman Brothers Special Financing and Counterclaim-Plaintiff Lehman Brothers Holdings Inc.'s Opposition to Bank of America's Motion for Summary Judgment [**Docket No. 63**]
- S. Defendants Lehman Brothers Holdings Inc. and Lehman Brothers Special Financing and Counterclaim-Plaintiff Lehman Brothers Holdings Inc.'s Memorandum of Law in Reply to Bank of Americas Opposition to Lehman's Motion for Summary Judgment [**Docket No. 71**]
- T. Reply Memorandum of Law of Bank of America, N.A. in Further Support of Bank of America's Motion for Summary Judgment [**Docket No. 72**]
- U. Joint Stipulation of Undisputed Facts [**Docket No. 74**]

- V. Memorandum of the Official Committee of Unsecured Creditors in Reply to the Opposition of Bank of America to the Motion for Summary Judgment of Lehman Brothers Holdings, Inc. and Lehman Brothers Special Financing, Inc. [**Docket No. TBD**]

Status: These matters are going forward.

- 3. State Street Bank and Trust Company v. Lehman Commercial Paper Inc. [**Adversary Case No. 08-01743**]

FCCD Limited's Motion to Intervene

Related Documents:

- A. Motion of FCCD Limited to Intervene as Plaintiff in Adversary Proceeding [**Docket No. 94**]
- B. Memorandum of Law in Support of Motion to Intervene as Plaintiff in the Adversary Proceeding [**Docket No. 96**]
- C. Lehman Commercial Paper Inc.'s Memorandum of Law in Opposition to FCCD Limited's Motion to Intervene [**Docket No. 99**]
- D. State Street Bank and Trust Company's Opposition Brief to FCCD Limited's Motion to Intervene [**Docket No. 100**]
- E. FCCD Limited's Reply Memorandum of Law in Further Support of its Motion to Intervene [**Docket No. 102**]
- F. Declaration of Jacob S. Pultman in Support of FCCD Limited's Motion to Intervene [**Docket No. 103**]

Status: This matter is going forward.

- 4. LH 1440 LLC v. State Street Bank & Trust Company, et al. [**Adversary Case No. 09-01138**]

State Street's Motion to Dismiss the Amended Adversary Complaint

Related Documents:

- A. Amended Complaint Filed by LH 1440, L.L.C. [**Docket No. 24**]
- B. Motion of State Street Bank & Trust Company to Dismiss Amended Adversary Complaint [**Docket No. 29**]

- C. Memorandum of Law in Support of Motion of State Street Bank & Trust Company to Dismiss Amended Adversary Proceeding **[Docket No. 30]**
- D. LH 1440, L.L.C.'s Memorandum of Law in Opposition to State Street's Motion to Dismiss the Amended Adversary Complaint **[Docket No. 33]**
- E. Reply Memorandum of State Street Bank & Trust Company in Support of State Street's Motion to Dismiss Amended Complaint **[Docket No. 34]**

Status: This matter is going forward.

- 5. Federal Home Loan Bank of Pittsburgh v. Lehman Brothers Holdings, Inc., et al. **[Adversary Case No. 09-01393]**

Motions to Dismiss Complaint

Related Documents:

- A. Complaint Filed by Federal Home Loan Bank of Pittsburgh **[Docket No. 1]**
- B. Motion of Lehman Brothers Holdings, Inc. and Lehman Brothers Commercial Corporation for an Order Dismissing Complaint with Prejudice **[Docket No. 7]**
- C. Aurora Bank FSB's Motion to Dismiss Adversary Complaint **[Docket No. 8]**
- D. Defendant Woodlands Commercial Bank's Joinder In Motion Of Defendants Lehman Brothers Holdings, Inc. And Lehman Brothers Commercial Corporation For An Order Dismissing The Complaint With Prejudice **[Docket No. 9]**
- E. Memorandum of Law: Aurora Bank FSB's Joinder to Co-Defendants' Motion to Dismiss and Opening Brief in Support of Its Motion to Dismiss **[Docket No. 10]**
- F. Motion to Dismiss Adversary Proceeding filed by Jeffrey R. Coleman on behalf of James W. Giddens, Trustee for the SIPA Liquidation of Lehman Brothers, Inc. **[Docket No. 11]**

- G. Memorandum of Law in Opposition to Defendants' Motions to Dismiss Adversary Complaint [**Docket No. 17**]
- H. Reply of Lehman Brothers Holdings, Inc. and Lehman Brothers Commercial Corporation to Plaintiff Federal Home Loan Bank of Pittsburgh's Opposition to Defendants' Motion to Dismiss [**Docket No. 20**]
- I. Joinder of James W. Giddens, Trustee for the SIPA Liquidation of the Business of Lehman Brothers Inc., in the Reply of Lehman Brothers Holdings, Inc. and Lehman Brothers Commercial Corporation to Plaintiff Federal Home Loan Bank of Pittsburgh's Opposition to Defendants' Motion to Dismiss [**Docket No. 21**]
- J. Aurora Bank FSB's Joinder to Co-Defendant's Reply to Plaintiff Federal Home Loan Bank of Pittsburgh's Opposition to Defendant's Motion to Dismiss [**Docket No. 22**]
- K. Defendant Woodlands Commercial Bank's Joinder in Reply of Lehman Brothers Holdings, Inc. and Lehman Brothers Commercial Corporation to Plaintiff Federal Home Loan Bank of Pittsburgh's Opposition to Defendants Motion to Dismiss [**Docket No. 23**]

Status: These matters are going forward.

- 6. Veyance Technologies, Inc. v. Lehman Brothers Special Finance Inc. [**Case No. 09-01535**]

Motion to Deposit Funds into Court Registry

Related Documents:

- A. Veyance Technologies, Inc.'s Memorandum of Law in Support of its Rule 67 Motion to Deposit Funds with the Court [**Docket No. 13**]
- B. Declaration of Christopher R. Harris in Support of Plaintiff's Request to Deposit Funds Pursuant to Rule 67 of the Federal Rules of Civil Procedure [**Docket No. 14**]
- C. Order to Show Cause Why Funds Should not be Deposited into the Court [**Docket No. 15**]

- D. Lehman Brother Special Financing's Opposition to Veyance Technologies, Inc.'s Rule 67 Motion to Deposit Funds with the Court [**Docket No. 18**]

Status: This matter is going forward.

III. RULE 60(b) MATTERS

7. Motion to Compel Production of Documents from the Trustee and the Committee Based on Privilege Waiver filed by Hamish Hume on behalf of Barclays Capital, Inc. [**Case No. 08-13555, Docket No. 6005, Case No. 08-1420, Docket No. 2141**]

Response Deadline: December 7, 2009.

Responses Received:

- A. Trustee's Memorandum of Law in Opposition to Barclays' Motion to Compel Production of Documents from the Trustee and Committee Based on Privilege Waiver [**Case No. 08-13555, Docket No. 6065, Case No. 08-1420, Docket No. 2269**]
- B. Objection of Official Committee of Unsecured Creditors of Lehman Brothers Holdings Inc., et al., to Barclays' Motion to Compel Production of Documents from the Trustee and Committee Based on Privilege Waiver [**Case No. 08-13555, Docket No. 6067, Case No. 08-1420, Docket No. 2278**]

Related Documents:

- C. Declaration of William R. Maguire in Support of the Trustee's Memorandum of Law in Opposition to Barclays' Motion to Compel Production of Documents from the Trustee and Committee Based on Privilege Waiver [**Case No. 08-13555, Docket No. 6066, Case No. 08-1420, Docket No. 2270**]

- D. Barclays' Reply to the Responses of the Trustee and the Committee to Barclays' Motion to Compel Production of Documents from the Trustee and the Committee Based on Privilege Waiver [**Case No. 08-13555, Docket No. 6080, Case No. 08-1420, Docket No. 2303**]

Status: This matter is going forward.

Dated: December 9, 2009
New York, New York

/s/ Harvey R. Miller
Harvey R. Miller

WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

Attorneys for Debtors
and Debtors in Possession

Dated: December 9, 2009
New York, New York

/s/ Christopher K. Kiplok
James B. Kobak, Jr.
Christopher K. Kiplok

HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, New York 10004
Telephone: (212) 837-6000
Facsimile: (212) 422-4726

Attorneys for James W. Giddens, Trustee for
the SIPA Liquidation of Lehman Brothers Inc.